

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

# Annette Morris,

Plaintiff,

VS.

**Truist Financial Corporation and  
Experian Information Solutions, Inc.,**

Defendants.

**CIVIL ACTION NO.**

(Removed from Gwinnett County  
Superior Court, CAFN 23-A-05126-  
10)

## NOTICE OF REMOVAL

**PLEASE TAKE NOTICE THAT** pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Truist Bank, improperly named as Truist Financial Corporation (“Truist”), hereby removes this action from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division. In support of this Notice of Removal, Truist avers as follows:

## Procedural History

1. On June 13, 2023, Plaintiff Annette Morris (“Plaintiff”) filed her Complaint (the “Complaint”) against Truist and Defendant Experian Information Solutions, Inc. (“Experian”) in the Superior Court of Gwinnett County, Georgia,

Case No. 23-A-04661-11 (the “State Court Action”). True and correct copies of all process, pleadings, and orders in the State Court Action, as well as a copy of the online docket, are attached hereto as **Exhibit 1**.

2. On June 23, 2023, Plaintiff served the Complaint on Truist Bank’s registered agent for service of process in Georgia. (Ex. 1, at p. 34.)

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), which provides, in pertinent part, as follows:

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

4. The Superior Court of Gwinnett County is a state court within this district and division.

### **Grounds for Removal**

5. This Court has federal question jurisdiction over this lawsuit because it arises under the Constitution, laws, or treaties of the United States.

6. Plaintiff’s Complaint expressly and exclusively arises under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.* (See Complaint (“Compl.”), Ex. 1, at ¶¶1, 26-36.)

7. Where a Plaintiff's cause of action arises under the FCRA, removal based on federal question jurisdiction is proper. *See, e.g., Lockard v. Equifax, Inc.*, 163 F.3d 1259, 1263-65 (11th Cir. 1998) (affirming district court's denial of motion to remand and holding that removal of state court action based on FCRA claim was proper); *Cole v. Collection Apartments*, No. 1:19-CV-2987-MLB-JKL, 2019 WL 11343331, \*2 (N.D. Ga. Aug. 26, 2019) (denying motion to remand removed state court case where plaintiff asserted claims under the FCRA).

8. Pursuant to 28 U.S.C. § 1441, *et seq.*, this case is properly removable.

**The Procedural Requirements for Removal Have Been Satisfied**

9. Truist files this Notice of Removal within 30 days of service of the Summons and Complaint on it (*see* Ex. 1, at p. 34), and therefore Truist's removal is timely. *See* 28 U.S.C. §1446.

10. Defendant Experian consents to the removal of this action. *See* 28 U.S.C. §1446(b)(2)(B), (C). A copy of Experian's Notice of Consent to Removal is attached hereto as **Exhibit 2**.

11. As detailed *supra*, because the allegations in Plaintiff's Complaint demonstrate that she seeks relief under the FCRA, this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and this action is therefore properly removable

pursuant to 28 U.S.C. § 1441(a), and (c). *See Lockard*, 163 F.3d at 1263-65; *Cole*, 2019 WL 11343331 at \*2.

12. Truist has accordingly complied with the procedural requirements for removal. *See* 28 U.S.C. §§ 1441, 1446.

13. The Northern District of Georgia, Atlanta Division is the federal judicial district embracing Gwinnett County, Georgia, where the State Court Action was originally filed. *See* 28 U.S.C. § 90(a)(2). Venue, therefore, is proper in this District and Division pursuant to 28 U.S.C. § 1441(a).

14. After filing this Notice of Removal, Truist will promptly serve written notice of this Notice of Removal on Plaintiff and file the same with the Clerk of the Superior Court of Gwinnett County, Georgia in accordance with 28 U.S.C. § 1446(d). A true and correct copy of the removal notice to be filed with the Clerk of Magistrate Court of Gwinnett County, State of Georgia is attached hereto as **Exhibit 3**.

#### **Non-Waiver of Defenses**

15. By removing this action, Truist does not waive any defenses available to it in this action, including without limitation, defenses available under Federal Rule of Civil Procedure 12(b).

16. By removing this action, Truist does not admit any of the allegations contained in Plaintiff's Complaint.

**WHEREFORE**, Defendant Truist removes the above-captioned action from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia.

Respectfully submitted, this 24th day of July, 2023.

**BRADLEY ARANT BOULT CUMMINGS LLP**

/s/ Erik J. Badia

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*Counsel for Defendant Truist Bank*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **NOTICE OF REMOVAL** upon all parties to this matter by electronically filing a copy of same with the Court's CM/ECF system, which will automatically send an electronic copy to all counsel of record, and by electronic and U.S. Mail, proper postage prepaid, addressed to:

Courtney B. Newman, Esq.  
**Law Offices of Robert S. Gitmeid & Associates, PLLC**  
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New York, NY 10005  
Courtney.N@gitmeidlaw.com  
*Attorney for Plaintiff Annette Morris*

This 24th day of July, 2023.

/s/ Erik J. Badia  
Erik J. Badia